

A RESOLUTION RATIFYING AND
APPROVING DECLARATORY RESOLUTION
94-06 OF THE FORT WAYNE
REDEVELOPMENT COMMISSION AND THE
APPROVING RESOLUTION OF THE FORT
WAYNE PLAN COMMISSION

WHEREAS, the Fort Wayne Redevelopment Commission on
January 24, 1994, adopted Declaratory Resolution 94-06, said
Declaratory Resolution approving the State Boulevard/Fernhill
Avenue Urban Renewal Area, which Declaratory Resolution is
attached hereto and made a part hereof and marked "Exhibit A";
and

WHEREAS, the Fort Wayne Plan Commission adopted a
resolution approving Declaratory Resolution 94-06 and the
Urban Renewal Plan on February 28, 1994, a copy of said
Resolution being attached hereto and made a part hereof as
"Exhibit B"; and

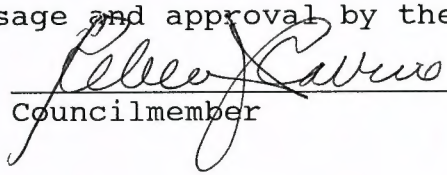
WHEREAS, pursuant to Indiana Code 36-7-14 et seq., the
Redevelopment Commission may not proceed with development in
an Urban Renewal Area until the approval of the Declaratory
Resolution by this Common Council; and

WHEREAS, this Common Council has reviewed said
Resolutions and desires to approve same.

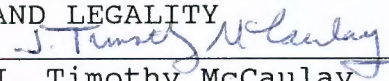
NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Declaratory Resolution 94-06 of the Fort
Wayne Redevelopment Commission, attached hereto as "Exhibit A"
and the Resolution of the Fort Wayne Plan Commission, attached
hereto as "Exhibit B", are hereby approved, ratified, and
confirmed.

SECTION 2. This Resolution shall be in full force and
effect from and after its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

URBAN RENEWAL PLAN

STATE BLVD. / FERNHILL AVENUE URBAN RENEWAL AREA

Prepared by the Ft Wayne Redevelopment Commission

January 1994

I. Introduction

The property planned for inclusion in the State Blvd./ Fernhill Avenue Urban Renewal plan is an abandoned Penn-Central railway property, 100 feet in width, running north to south in a line from west State Blvd. to Fernhill Avenue. Appendix "A" contains a legal description of the proposed urban renewal area along with a physical description of its present condition.

This tract contains approximately 14 acres of land which is bounded by Wells Street on the west and Northrup Street on the East. The area along Wells Street is characterized as commercial and industrial. The area along Northrup street is characterized as a mix of residential and commercial. Both Wells Street and Northrup Street are very heavily travelled thoroughfares which have been identified, long term, as streets which require some kind of relief from the heavy volume of traffic which each is experiencing.

Indiana Code allows Redevelopment Commissions to acquire and hold real estate judged by the Commission to be in the long term interest and benefit to the public. An opportunity exists for the Commission to acquire and hold the tract, described at Appendix "A", for the future use and benefit of the City of Ft Wayne. Many options exist for the use of this tract. These options may include, but are not limited to, the construction of an access and/or reliever road between Wells Street and Northrup Street, pedestrian walkways, or as land to facilitate development for the area. The Commission has determined that it is critical to obtain this parcel for the public good, so that all options regarding its future use may be explored and the option selected to best benefit the City of Ft Wayne.

II. Statement of Project Objectives

General Objectives

1. To purchase a parcel of blighted real estate
2. To remove blighting influences which have an adverse effect on neighborhood stability, development, safety and quality of life.
3. To develop a long term development strategy for the real estate that would produce long term public benefits to the neighborhoods and to the City of Ft Wayne.
4. To support job retention and to promote additional job opportunities in the Wells Street, Fernhill Avenue and Northrup Street transportation corridors.

III. Urban Renewal Techniques To Be Used

A. Acquisition

The Redevelopment Commission proposes to acquire approximately 14 acres of abandoned railway property owned by U.S. Railroad Vest Corporation. An estimate of the value of the parcel is \$80,000. The legal description is found at Appendix "A". Please refer to Map 1.

B. Rehabilitation

One goal of the Commission is to remove the blighting influences that are present on the subject property. This would involve necessary clearing, clean-up and related work in order to make the property attractive, useable, and safe for all neighborhood residents.

C. Leasing

To meet the objectives of this plan, the Commission may lease property it has acquired to public or private entities. The Commission will follow the procedures for leasing of real property described in Section 36-7-14-22 of the Indiana Code.

D. Acquisition Policies

The Redevelopment Commission will follow the land acquisition procedure set forth in I.C. 36-7-14-19, as amended and supplemented. Commission staff has been in contact with the owner of the tract planned for acquisition and believes that through mutual negotiation, condemnation will not be necessary.

E. Acquisition of Easements

When necessary to implement this plan, the Redevelopment Commission may acquire easements to allow the installation, relocation, or attachment of public utilities, or improvements on property which the Commission does not own.

F. Project Improvements

The provision of public improvements in the urban renewal area will be undertaken as required to facilitate new development and eliminate the blighting influences present on the subject property. Such improvements include, but are not limited to the following:

1. Relocation of existing utilities

Existing utilities, public and private, will be relocated when necessary to achieve project objectives. All utility relocation shall be underground, where feasible.

2. New Utilities

When necessary to serve the area, new utilities will be provided. Any such new utility shall be underground, where feasible.

3. Streets and pedestrian ways.

A new access and/or reliever street may be built to facilitate the objectives of the urban renewal plan. New pedestrian ways may be built so as to complement the construction of the new street or to add an additional dimension to future development of the property.

IV. Land Use Plan and Development Controls

To achieve the objectives of this plan, land use in the urban renewal area will be subject to the regulations and controls specified and referred to in this section.

A. Land Use Plan

Map 2 portrays the proposed land use. The proposed urban renewal area is zoned M1, light industrial; RA, residence; R1, Residence 1 family; and M2, general industrial

B. Development Controls

1. Signs

All signs shall comply with current applicable municipal codes and regulations.

2. Parking

Prior to final approval of any development plan, the Commission shall make a determination that sufficient parking to serve the proposed use is or will be available within a reasonable distance.

3. Other Regulations and Controls

a. In the event of any question regarding the meaning of the controls or other provisions of the plan, the interpretation placed thereon by the Redevelopment

Commission shall be binding.

b. No use shall be permitted which when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise, or vibration, or other objectionable features so as to be detrimental to the public health safety, or general welfare.

c. The Ft Wayne Redevelopment Commission may establish such interim uses as it deems feasible or desirable in the public interest on property which has been acquired provided such interim use does not have an adverse effect upon the surrounding area.

d. There shall be no restriction on occupancy or use of any part of the urban renewal area or any facility constructed therein on the basis of race, creed, color, sex or national origin.

e. All public improvements within the urban renewal area shall be designed so as to facilitate access by the handicapped.

C. Development Plan Review

The Redevelopment Commission shall review, as appropriate, all development proposals for compatibility with project and design objectives. For its review, the Commission may draw upon such technical assistance as it deems necessary. If a developer is used in coordination with the development and construction of improvements in the urban renewal area, any and all such improvements shall be subject to Commission review and approval.

D. Duration of Controls

This plan, its regulations and requirements shall be in effect for fifty (50) years from the date of its adoption by the Redevelopment Commission, Plan Commission, and City Council.

V. Other Provisions Necessary to Meet State and Local Requirements

All provisions necessary to comply with State and local law have been met by this plan and supporting documents:

- A. A resolution declaring the State Blvd./ Fernhill Avenue Urban Renewal Area as a blighted and deteriorated area, exhibiting a lack of development and cessation of growth, has been adopted by the Redevelopment Commission.
- B. The urban renewal plan indicates the extent and location of land acquisition, public improvements, rehabilitation and proposed development.
- C. No zoning changes are required by the plan at this time.
- D. The plan sets forth the permitted land uses, densities, building requirements and other development controls.
- E. The plan conforms to the Master Plan of Development for the City of Ft Wayne and specific local objectives.

VI. Procedure For Changing The Urban Renewal Plan

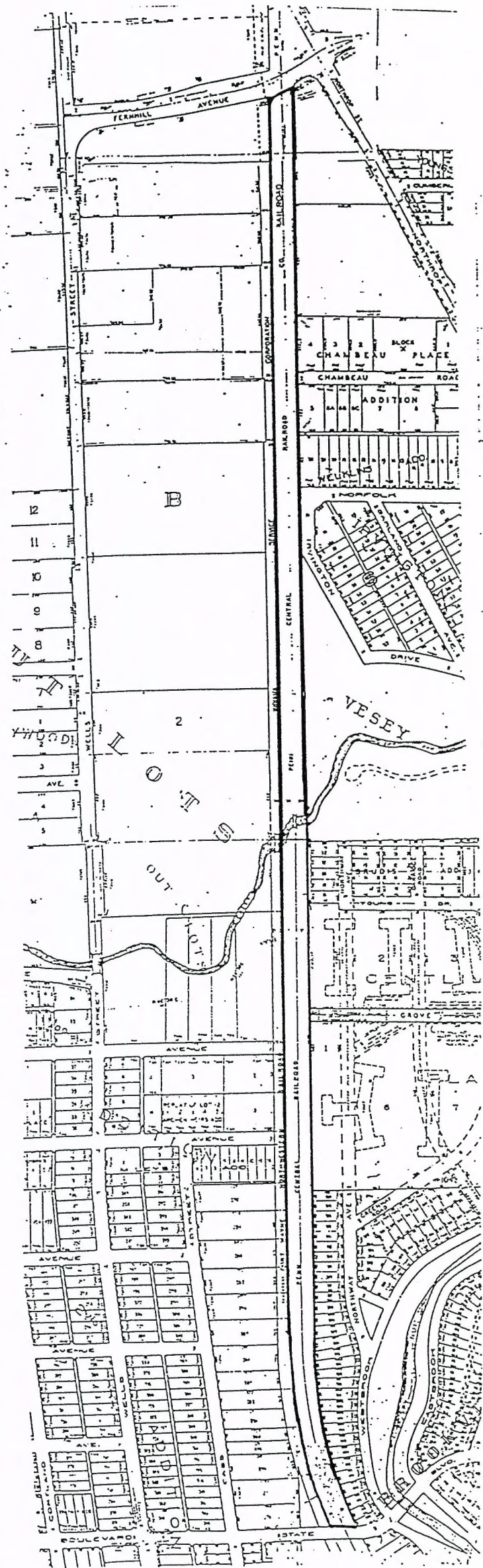
The urban renewal plan may be modified or varied at any time by a resolution of the Redevelopment Commission, in accordance with the then applicable Indiana Law.

APPENDIX A

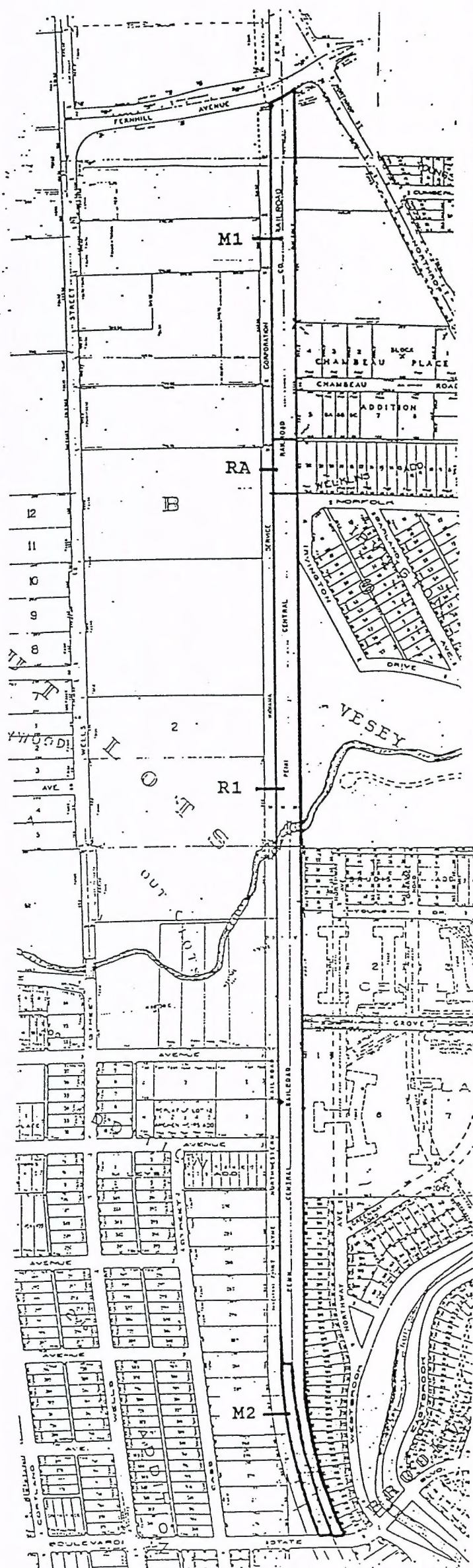
Legal Description

Abandoned Penn-Central Railway property, 100 feet in width, running south to north in a line from its intersection with west State Blvd. to Fernhill Avenue in the City of Ft Wayne, Allen County, Indiana. Key #:

URBAN RENEWAL AREA BOUNDARY



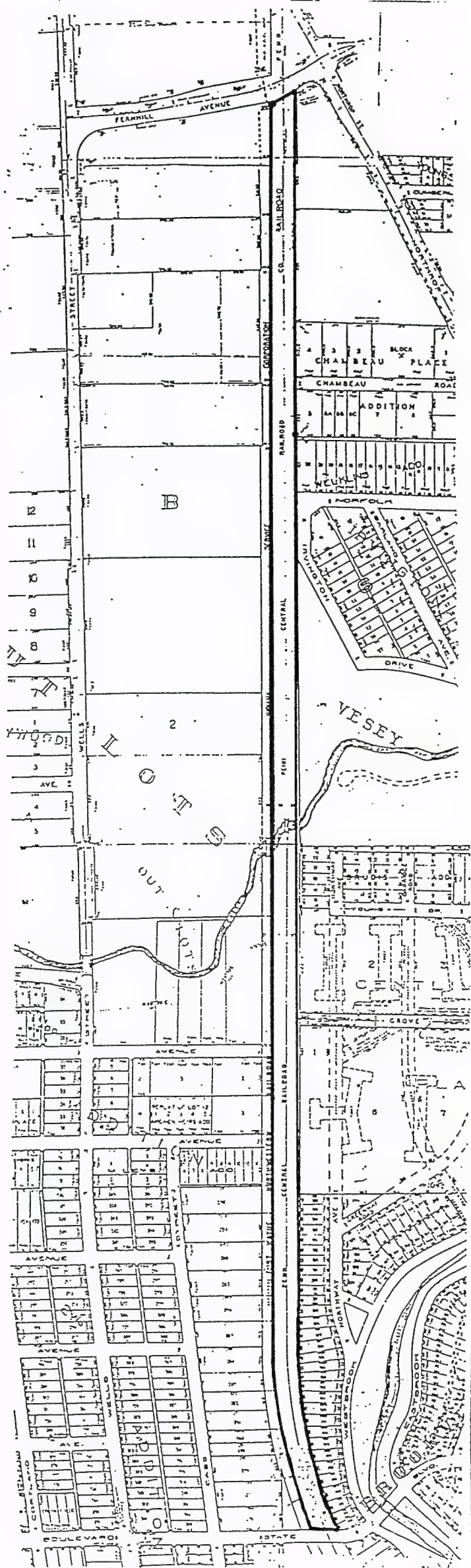
LAND USE



ZONING

- M1 LIGHT INDUSTRIAL
- M2 GENERAL INDUSTRIAL
- RA RESIDENCE
- R1 RESIDENCE 1 FAMILY

OWNERSHIP



OWNERSHIP:
U.S. RAILWAY VEST CORPORATION

Resolution 94-06

DECLARATORY RESOLUTION
STATE BLVD./ FERNHILL AVENUE URBAN RENEWAL PLAN

WHEREAS, the Ft Wayne Redevelopment Commission has made investigations, studies and surveys of various blighted and deteriorated areas within the City of Ft Wayne, Indiana, and of the causes contributing to such blight and deterioration; and

WHEREAS, such investigations, studies and surveys have been made in cooperation and with the support of various departments of the City of Ft Wayne and Allen County, Indiana, and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City from the standpoint of human needs and economic values. As a result of said investigations, studies and surveys, the Commission has found that the area described in the State Blvd./ Fernhill Avenue Urban Renewal Plan is blighted and deteriorated. The following described area in the City of Ft Wayne is found and declared to be blighted and deteriorated to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operation of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 [P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented, ("the Act")] and which area is bounded and described in Exhibit A, attached hereto and incorporated by reference herein; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the hereinafter described blighted and deteriorated area, the location of the property, streets, alleys, and other features affecting the renewal of said area, indicating any parcels of property which are to be excluded from the acquisition and the portions of the area which are to be devoted to streets, alleys, sewerage, playground and other public purposes under the Urban Renewal Plan; and

WHEREAS, there was presented to this meeting of the Governing Body of the City of Ft Wayne, Department of Redevelopment, for the its consideration and approval, a copy of the Urban Renewal Plan for the area consisting of ____ pages and ____ exhibits; and

WHEREAS, this Commission has at an open public meeting heard evidence and reviewed the maps and plats presented at the meeting and considered same.

NOW THEREFORE, BE IT RESOLVED by the Ft Wayne Redevelopment Commission that the Urban Renewal Plan for the State Blvd./ Fernhill Avenue Urban Renewal Area, dated January 24, 1994, is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the development of the herein described area shall be referred to the State Blvd./ Fernhill Avenue Urban Renewal Area.

BE IT FURTHER RESOLVED that the Commission now declares the herein described area as blighted and deteriorated and a menace to the social and economic interests of the City of Ft Wayne and its residents, and that the renewal of said area depicted on the above referenced maps and plats under the provisions of the Act will be of public utility and benefit, and that the Redevelopment Commission shall acquire all of such land and interests therein within said boundaries with the exception of that property to be excluded as indicated on the maps of the area.

BE IT FURTHER RESOLVED that the urban renewal of such area be in accordance with the Urban Renewal Plan for the State Blvd./ Fernhill Avenue Urban Renewal Area.

BE IT FURTHER RESOLVED that the Commission now proposes the following findings subject to confirmation after a duly called public hearing:

- a. The plan for the Urban Renewal Area will eliminate blight, enable new growth and development, and result the reuse of abandoned railway property.
- b. The plan for the Urban Renewal Area cannot be achieved without the designation of the area as an Urban Renewal Area because of the existence of blighted conditions as defined in Indiana Code 37-7-1-3.
- c. The public health and welfare will be benefitted by accomplishment of the plan for the Urban Renewal Area.
- d. The accomplishment of the plan for the Urban Renewal Area will be of public utility and benefit to the City of Ft Wayne in that the accomplishment of the plan will eliminate the blighted and deteriorated condition of the tract. Implementation of the plan will reverse a long period of abandonment and will be conducive to the attraction of new jobs and to an increase in the property tax base ensuing from future development which was enabled and facilitated by the plan. It will further increase the safety of the neighborhoods in the area by the elimination of blighted conditions. Additionally, the opportunity to provide needed public infrastructure improvements for the area is enabled.

BE IT FURTHER RESOLVED, pursuant to Section 36-7-14-39 of the Act that:

- a. As used in this Declaratory Resolution for the purposes of distribution and allocation of property taxes, "allocation area" means all of the area described in Exhibit A to this Declaratory Resolution.
- b. Any real property taxes hereafter levied by or for the benefit of any of any public body entitled to a distribution of property taxes on taxable real property within the allocation area described in this Declaratory Resolution shall be allocated and distributed as follows:
 1. Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:
 - i. The assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or
 - ii. The assessed value of all such property as determined for the assessment date immediately preceding the effective date of the allocation provision of this Declaratory Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.
 2. Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:
 - i. Pay the principal of any interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of the allocation area;
 - ii. Restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the allocation area;
 - iii. Pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under Indiana code 36-7-14-27;

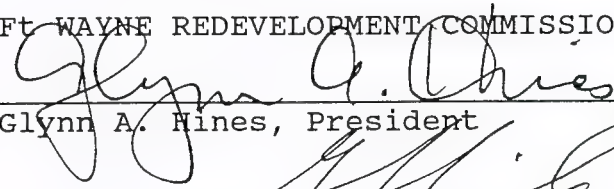
- iv. Pay the principal of and interest on bonds issued by the City of Ft Wayne to pay for local improvements in or serving the allocation area;
- v. Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the allocation area;
- vi. Make payments on leases payable from allocated tax proceeds in the allocation area under Indiana Code 36-7-14-25.2;
- vii. Reimburse the City of Ft Wayne for expenditures made by it for local public improvements, including buildings, parking facilities and other items described in I.C. 36-7-14-25.1(a) in or serving the allocation area;
- viii. Reimburse the City of Ft Wayne for rentals paid by it for buildings or parking facilities in or serving the allocation area under any lease entered into under I.C. 36-1-10;
- ix. Pay all or a portion of a property tax replacement credit to taxpayers in the allocation are as determined by the Commission by separate resolution; or
- x. Pay expenses incurred by the Redevelopment Commission for local public improvements in or serving the allocation area, including buildings and parking facilities and other items described in I.C. 36-7-14-25.1.

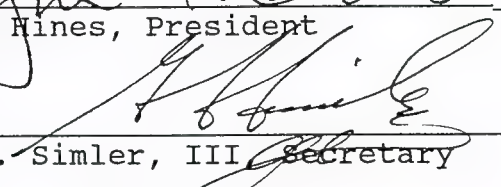
3. When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in subdivision (1) of this section.

BE IT FURTHER RESOLVED that a notice shall be published in accordance with the requirements of I.C. 5-3-1 fixing a date of a public hearing for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

BE IT FURTHER RESOLVED that a notice shall be mailed not less than ten (10) days prior to said public hearing to all affected neighborhood associations, and to persons owning property within the proposed area.

FT. WAYNE REDEVELOPMENT COMMISSION


Glynn A. Hines, President


George F. Simler, III, Secretary

Adopted: January 24, 1994

EXHIBIT A

Legal Description

Abandoned Penn-Central Railway property, 100 feet in width, running south to north in a line from its intersection with west State Blvd. to Fernhill Avenue in the City of Ft. Wayne, Allen County, Indiana. Key #: .

**RESOLUTION OF THE
FORT WAYNE PLAN COMMISSION**

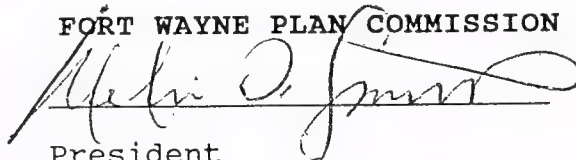
The Plan Commission of the City of Fort Wayne in its Business Meeting of February 28, 1994, having before it a copy of the Fort Wayne Redevelopment Commission's Declaratory Resolution 94-06 and the accompanying Urban Renewal Plan, adopted by the Redevelopment Commission on January 24, 1994, together with the necessary supporting data, all of which have been duly considered, the Fort Wayne Plan Commission, upon a motion by David Ross, and seconded by James Hoch, and by a vote of 6, adopted the following resolution:

WHEREAS, at the Fort Wayne Plan Commission Business Meeting on February 28, 1994, the Fort Wayne Redevelopment Commission submitted to the Plan Commission the State Blvd./Fernhill Ave. Urban Renewal Plan, together with supporting data, all as required by the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of the General Assembly of the State of Indiana, as Amended and Supplemented) and said Urban Renewal Plan, having been duly considered by the Fort Wayne Plan Commission, is found to be in conformity with the Master Plan of Development for the City of Fort Wayne; and

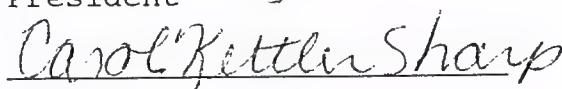
NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Plan Commission that said State Blvd./Fernhill Ave. Urban Renewal Plan conforms to the Master Plan of Development for the City of Fort Wayne, and said Plan and Declaratory Resolution 94-06 are hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this Resolution which shall constitute the approving order of the Fort Wayne Plan Commission.

FORT WAYNE PLAN COMMISSION



President



Secretary

ADOPTED: 28 February 1994

Read the first time in full and on motion by Parrie, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 3-8-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parrie, seconded by _____, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY				<u>✓</u>
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 3-22-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. R-12-94 on the 22nd day of March, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Don J. Schmitter
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of March, 1994, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 24th day of March, 1994, at the hour of 9:00 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



Fort Wayne Redevelopment Commission

MEMORANDUM

TO: Members of City Council

FM: Ronald R. Fletcher, Ft Wayne Redevelopment Commission *R.F.*

RE: Establishment of State Blvd./Fernhill Ave. Urban Renewal Area

DATE: March 4, 1994

INTRODUCTION

Q-94-03-10

On January 24, 1994, the Fort Wayne Redevelopment Commission adopted Declaratory Resolution 94-06 which tentatively established the State Blvd./Fernhill Ave. Urban Renewal Area. Enclosed with this memo are copies of the resolution and the urban renewal plan. I.C. 36-7-14-16 requires Council approval of the urban renewal plan. The Plan Commission reviewed and approved the plan, by resolution, on February 28, 1994. A copy of this resolution is also enclosed. The acquisition of this parcel by the commission was also approved, by resolution, by the Urban Transportation Advisory Board on January 4, 1994.

BACKGROUND

On November 23, 1993, U.S. Railroad Vest Corporation of Laporte, IN, acquired various parcels of abandoned railroad property in Allen County. Included among these is a parcel, 100 feet in width, approximately 14 acres in size, running south to north from west State Blvd. to Fernhill Ave. The staff of the Ft Wayne Redevelopment Commission was approached to determine if the City of Ft Wayne had any interest in acquiring this parcel. A series of meetings were held which included the City Urban Designer, Allen County Transportation Planner, City Engineer; Director, CED; the staff of the Ft Wayne Redevelopment Commission and other local officials. The consensus of the group was that this parcel was now blighted and had an adverse effect on the adjoining residential, commercial and industrial neighborhoods and that the parcel was of important strategic value. It is a natural corridor between Wells Street and Northrup Street and could be an integral part of any future development in the area. The possible uses which were discussed include, but are not limited to, use as a pedestrian way, bike path, transportation access, reliever street or a combination of these. The main point was that the group felt that it was in the public interest to acquire this parcel and hold it for future use as determined by a comprehensive, coordinated planning process.

ROLE OF THE FT WAYNE REDEVELOPMENT COMMISSION

The Ft Wayne Redevelopment Commission has studied the railway parcel and has found it to be blighted. Its blighted state allows the Commission to use its powers to address demonstrated blight by acquisition after the approval of Council and after the adoption of a confirmatory resolution by the Commission. In addition to blight, the parcel is abandoned, overgrown, exhibits cessation of growth and lack of development. All of these are factors, established by state statute, which allow a Redevelopment Commission to establish an urban renewal area. State statutes further allow a Redevelopment Commission to acquire and hold real estate for future projects and development.

RECOMMENDATION

I recommend that Council adopt the attached resolution approving Declaratory Resolution 94-06 adopted by the Ft Wayne Redevelopment Commission on January 24, 1994. This approval will ultimately enable the Commission to acquire this parcel and hold it for a future public use.

If you have any questions or need additional information, please contact me at: 427-1127.

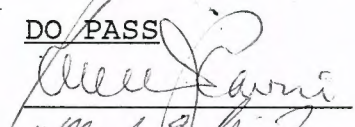
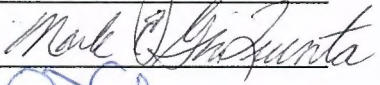
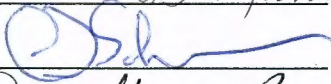
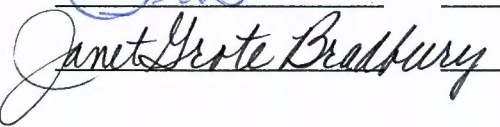
Enclosures

BILL NO. R-94-03-10

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN ~~XXXXXXXXXX~~ (RESOLUTION) RATIFYING AND APPROVING
DECLARATORY RESOLUTION 94-06 OF THE FORT WAYNE REDEVELOPMENT
COMMISSION AND THE APPROVING RESOLUTION OF THE FORT WAYNE PLAN COMMISSION

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 3-22-94

Sandra E. Kennedy
City Clerk